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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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USA BASEBALL, THE NATIONAL HIGH
SCHOOL BASEBALL COACHES ASSOCIATION,
DR. PETER BERG, JUAN HERNANDEZ, DENNIS
CANALE, MEL ZITTER, MICHAEL CRUZ, TITO
NAVARRO, JOHN TORRES, EASTON SPORTS,
INC., WILSON SPORTING GOODS CO.,
RAWLINGS SPORTING GOODS COMPANY, and
HILLERICH & BRADSBY CO.

Plaintiffs,

- against -

Civil Action No. 07-CV-3605

CITY OF NEW YORK,

Defendant.

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SECOND DECLARATION OF ART CHOU

I, Art Chou, depose and state as follows:

1. I am the Vice President of Research and Development and Engineering at Rawlings Sporting Goods Company ("Rawlings"). I have held this position for three years. If sworn as a witness, I ~~am~~ can testify competently to the facts contained herein.

2. As an engineer with responsibility for the development of Rawlings' nonwood composite and metal bats, I participate directly in the design and manufacture of these bats.

3. One of the key design elements Rawlings seeks to achieve in its metal and nonwood composite bats is a large "sweet spot." The "sweet spot" is the area on the bat which results in the most effective hits when the batter makes contact with the ball. A larger sweet spot also reduces the "sting" on the hands a player sometimes feels when making contact. Players prefer a larger sweet spot because it increases their chances of hitting a ball effectively. However, a ball struck off the sweet spot of a metal or nonwood composite bat will not necessarily travel at an exit speed greater than a hit off the sweet spot of a wood bat, depending on the design and construction of the bats.

4. This is because the greater size of the sweet spot on metal and nonwood composite bats is the direct result of innovations in design. It is not the result of inherent properties of metal or nonwood composite materials. Our engineers have the technical knowledge to make metal and nonwood composite bats with sweet spots smaller or identical to those of wood bats.

I declare under penalty of perjury that the foregoing is true and correct.

This 27th day of June, 2007.


ART CHOU